

STORCH AMINI & MUNVES PC
Two Grand Central Tower, 25th Floor
140 East 45th Street
New York, NY 10017
Bijan Amini (BA-3533)
Kevin Fritz (KF-6788)
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
BEHZADI & BRENJIAN CARPET,	:	
	:	
Plaintiff,	:	
	:	
v.	:	07 Civ. 7073 (BSJ)
	:	
DAVID & SON ORIENTAL ANTIQUE RUGS	:	
CORPORATION and DAVID SHADAN,	:	
	:	
Defendants.	:	
	:	
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APPLICATION FOR CERTIFICATE OF DEFAULT

Plaintiff Behzadi & Brenjian Carpet ("Plaintiff" or "Behzadi"), pursuant to Federal Rule of Civil Procedure 55, hereby requests from the Clerk of the United States District Court for the Southern District of New York a certificate of default against defendants David & Sons Oriental Antique Rugs Corporation ("Oriental Antique Rugs") and David Shadan ("Shadan") (collectively, "Defendants"), in favor of Plaintiff for the reason that Defendants have not plead or otherwise defended within the proper time. This Application is supported by the Affidavit of Kevin Fritz, which is attached hereto as Exhibit A and incorporated herein by this reference. Affidavits of service for the Complaint, Summons, and other documents served upon Defendants are attached as Exhibit B.

Dated: New York, New York
September 12, 2007

Respectfully submitted,

STORCH AMINI & MUNVES PC

By: /s/ Kevin Fritz
Bijan Amini (BA-3533)
Kevin Fritz (KF-6788)
Two Grand Central Tower
140 East 45th Street, 25th Floor
New York, New York, 10017
(212) 490-4100
Attorneys for Plaintiff

TO: David Shadan c/o David & Son Rugs
P.O. Box 996
New York, NY 10156-0996

David & Sons Oriental Antique Rugs Corporation
c/o New York Secretary of State

Exhibit A

STORCH AMINI & MUNVES PC
 Two Grand Central Tower, 25th Floor
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 New York, NY 10017
 Bijan Amini (BA-3533)
 Kevin Fritz (KF-6788)
 Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
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Plaintiff,	:	
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DAVID & SON ORIENTAL ANTIQUE RUGS	:	
CORPORATION and DAVID SHADAN,	:	
	:	
Defendants.	:	
	:	
-----	X	

AFFIDAVIT FOR DEFAULT

STATE OF NEW YORK)
)ss.:
 COUNTY OF NEW YORK)

KEVIN FRITZ, an attorney duly licensed to practice law in the Courts of the State of New York, swears to the following under penalty of perjury:

1. I am an associate of the law firm of Storch Amini & Munves PC, attorneys for plaintiff Behzadi & Brenjian Carpet (“Plaintiff” or “Behzadi”).
2. As such, I am fully familiar with the facts and circumstances of this matter set forth below, and pursuant to Federal Rule of Civil Procedure 55, I submit this affidavit in support

of the Application for a Certificate of Default against defendants David & Sons Oriental Antique Rugs Corporation (“Oriental Antique Rugs”) and David Shadan (“Shadan”) (collectively, “Defendants”).

3. Defendants are not infants, in the military, or incompetent persons.

4. On August 8, 2007, Plaintiff filed the Complaint in this case, Docket No. 07 Civ. 7073.

5. On August 8, 2007, the Clerk of the United States District Court issued a “Summons in a Civil Case” (the “Shadan Summons”) commanding Shadan to file an answer to the Complaint within twenty (20) days after the service of the Shadan Summons.

6. On August 8, 2007, the Clerk of the United States District Court issued a “Summons in a Civil Case” (the “Oriental Antique Rugs Summons”) commanding Oriental Antique Rugs to file an answer to the Complaint within twenty (20) days after the service of the Oriental Antique Rugs Summons.

7. On August 10, 2007, the Complaint, Shadan Summons, and other documents were delivered via certified mail to Shadan at P.O. Box 996, New York, NY 10156-0996, which is the address listed for Shadan as Chairman of Oriental Antique Rugs Summons on the New York State Division of Corporations website. A copy of the Affidavit of Service for the Complaint and Shadan Summons is docketed with the United States District Court for the Southern District of New York. Additionally, said Affidavit of Service is attached to the Application for an Entry of Default as Exhibit B.

8. On August 14, 2007, the Complaint, Oriental Antique Rugs Summons, and other documents were personally delivered to the New York Secretary of State, which confirmed that

it was authorized to accept service on behalf of Oriental Antique Rugs pursuant to section 306 of the New York Business Corporation Law.

9. Pursuant to the Shadan Summons, Shadan was required to file an answer to the Complaint by September 3, 2007.

10. Pursuant to the Oriental Antique Rugs Summons, Oriental Antique Rugs was required to file an answer to the Complaint by September 3, 2007.

11. As of this date, Defendants have failed to serve upon Plaintiff, or file with the United States District Court for the Southern District of New York, an answer or other responsive pleading to the Complaint.


Kevin Fritz

Sworn to before me this
12th day of September, 2007

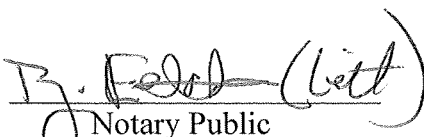

Notary Public
BENJAMIN FELCHER
Notary Public, State of New York
No. 02FE6139460
Qualified in Westchester County
Commission Expires on January 9, 2010

Exhibit B

STORCH AMINI & MUNVES PC
Two Grand Central Tower, 25th Floor
140 East 45th Street
New York, NY 10017
Bijan Amini (BA-3533)
Kevin Fritz (KF-6788)
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
BEHZADI & BRENJIAN CARPET,

Plaintiff,

CASE NO: 07 CV 7073

- against -

DAVID & SON ORIENTAL ANTIQUE RUGS
CORPORATION and DAVID SHADAN,

AFFIDAVIT OF SERVICE

Defendants.
-----X

STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

Bonnita Fields, being duly sworn, deposes and says:

Deponent is not a party to the action, is over 18 years of age and resides in Bronx, New York.

On August 10, 2007, deponent served a true copy of **SUMMONS AND COMPLAINT WITH JUDGES RULES AND STATEMENT PURSUANT TO FED. R. CIV. P. 7.1** upon:

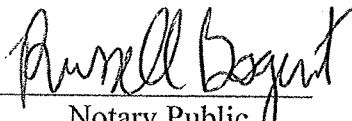
David Shadan c/o David & Son Rugs
P.O. Box 996
New York, NY 10156-0996

by depositing a true and correct copy of the same enclosed in a certified postpaid wrapper addressed to the above in an official depository under the exclusive care and custody of the U.S.

Postal Service within the State of New York.


Bonnita Fields

Sworn to before me this
14th day of August, 2007


Notary Public

RUSSELL BOGART
Notary Public, State of New York
No. 02BO6139279
Qualified in West York County
Commission Expires on January 3, 2010

7006 0810 0005 5009 0898

U.S. Postal Service	
CERTIFIED MAIL RECEIPT	
(Domestic Mail Only, No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ 4.60
Certified Fee	2.25
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 7.25

Sent To: David Shadan to David + Son Pwgs
Street, Apt. No., or PO Box No. P.O. Box 996
City, State, ZIP+4 New York, NY 10156-0996

Postmark: 10/10/07
NY

PSN 411 8800 0111 2007 See reverse for instructions

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
BEHZADI & BRENIAN CARPET,

Plaintiff(s),

-against-

AFFIDAVIT OF SERVICE
07 CV 7073

DAVID & SON ORIENTAL ANTIQUE RUGS
CORPORATION AND DAVID SHADAN,

Defendant(s).
-----X

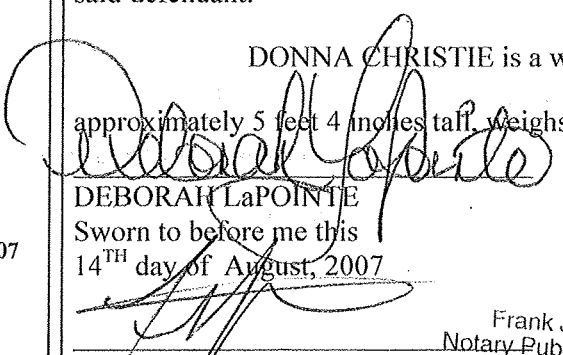
STATE OF NEW YORK)
S.S.:
COUNTY OF ALBANY)

DEBORAH LaPOINTE, being duly sworn, deposes and says that she is over the age of eighteen years, is employed by the attorney service, D.L.S., INC., and is not a party to this action.

That on the 14TH day of August, 2007, at approximately the time of 12:30P.M., at the office of the Secretary of State, of the State of New York in the City of Albany, New York, deponent served the SUMMONS AND COMPLAINT AND JUDGES' RULES AND ELECTRONIC FILING INSTRUCTIONS upon DAVID & SON ORIENTAL ANTIQUE RUGS CORP., the defendant in this action, by delivering to and leaving with DONNA CHRISTIE an agent of the Secretary of State, of the State of New York, two (2) true copies thereof and at that time of making such service deponent paid said Secretary of State a fee of forty dollars. That said service was made pursuant to Section, 306, Business Corporation Law.

Deponent further says that she knew the person so served as aforesaid to be the individual in the Office of the Secretary of State of New York, duly authorized to accept such service on behalf of said defendant.

DONNA CHRISTIE is a white female, approximately 46 years of age, stands approximately 5 feet 4 inches tall, weighs approximately 135 pounds with blonde hair and blue eyes.


DEBORAH LaPOINTE
Sworn to before me this
14TH day of August, 2007

NOTARY PUBLIC

Frank J. Panucci
Notary Public-State of NY
Qualified in Albany Co.
No. 4721156
Comm. Expires 12/31/2010